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Attorneys for Purple Shovel, LLC

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

HOMELAND MUNITIONS, LLC,
BIRKEN STARTREE HOLDINGS,
CORP., KILO CHARLIE, LLC and LC
DEFENSE, LLC,

Plaintiffs,

v.

PURPLE SHOVEL, LLC,

Defendant.

**APPLICATION FOR
WRIT OF EXECUTION**

Case No.: 2:17-cv-00207-DB

Judge: Dee Benson

Magistrate Judge Paul M. Warner

Defendant, Purple Shovel, LLC, hereby applies for a writ of execution on the following

grounds:

1. That judgment has been entered in the above-cited action requiring the payment of money in the amount of \$9,986,909.92. The amount that remains due on the judgment is \$9,986,909.92, plus post-judgment interest in the amount of 1.23% of the judgment amount or \$336.55 per day, pursuant to 28 U.S.C. 1961.
2. Pursuant to Federal Rule of Civil Procedure 69, a money judgment is enforced by a writ of execution. Fed. R. Civ. P. 69. The procedure on execution must accord with Utah state procedures, but a federal statute governs to the extent it applies. *Id.* The Utah Rules of Civil Procedure provide that a writ of execution is available to seize property in the possession or under the control of a judgment debtor following entry of a final order requiring the payment of money. Utah R. Civ. P. 64E(a).
3. The United States Marshal Service executes all lawful writs, process, and orders issued under the authority of the United States, and commands all necessary assistance to execute its duties. 28 U.S.C. § 566(c).
4. Federal Rule of Civil Procedure provides that process must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose. Fed. R. Civ. P. 4.1(a).
5. That the property to be seized consists of:

| Property | Location | Account Number | Estimated Value |
|---|---|----------------|-----------------|
| Ammunition, Weapons, Manufacturing Equipment | c/o Don Leonard Ruesch 5790 N. 1070 W. Saint George, UT 84770-5926 Washington County (435) 673-5946 | None | Unknown |

6. That the following persons are known to claim an interest in property:

| Name | Contact Information |
|------------------|--|
| Bradley McCorkle | brad@hmammo.com; brad@kch.co; brad@lcdefense.com |

7. Because of the potentially dangerous nature of the property to be seized, defendant requires the assistance of the U.S. Marshal's office, along with a constable, who will enforce the writ of execution to seize the property, which is issued by the Court and directed at the constable.

8. That the Writ of Execution by the U.S. Marshals Service is attached.

DATED this 4th day of October, 2017.

STRONG & HANNI

/ s / Michael L. Ford

Michael L. Ford

Attorney for Purple Shovel, LLC

| Certificate of Service | | | |
|--|--|--|---------------------|
| I certify that I served a copy of this document on the following people. | | | |
| Person's Name | Method of Service | Served at this Address | Served on this Date |
| Bradley McCorkle (Other Party or Attorney) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input checked="" type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) | brad@hmammo.com; brad@kch.co; brad@lcdefense.com | |

| Certificate of Service | | | |
|--|--|--|---------------------|
| I certify that I served a copy of this document on the following people. | | | |
| Person's Name | Method of Service | Served at this Address | Served on this Date |
| Don Leonard Ruesch (Person claiming property interest or Attorney) | <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax (Person agreed to service by fax.) <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.) | 5790 N. 1070 W. Saint George, UT 84770-5926 Washington County (435) 673-5946 | |
| (Clerk of Court) | <input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Electronic File | | |

Date 10/4/17 Sign here ► /s/ Nova M. Calverley-Chase

Typed or printed name Nova M. Calverley-Chase